

AMENDED IN ASSEMBLY MAY 23, 2003

AMENDED IN ASSEMBLY MAY 13, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1525

Introduced by Assembly Members Longville and Steinberg

February 21, 2003

An act to add Section 1353.6 to the Civil Code, relating to common interest developments.

LEGISLATIVE COUNSEL'S DIGEST

AB 1525, as amended, Longville. Common interest developments: signs.

Existing law, the Davis-Stirling Common Interest Development Act, defines and regulates common interest developments. Existing law requires that a common interest development have a recorded declaration, which contains, among other items, the restrictions on the use or enjoyment of the development that are intended to be enforced as equitable servitudes. A common interest development may also be regulated by other instruments, such as bylaws and operating rules, which are collectively known as the governing documents, and existing law prohibits restrictive covenants in governing documents that violate specified housing discrimination laws.

This bill would provide that the governing documents of a common interest development may not prohibit posting or displaying of noncommercial signs, posters, or banners, as defined, on or in an owner's separate interest, except for the protection of public health or safety *or for the enforcement of local, state, or federal law*. The bill

would require that an owner of a separate interest who prevails in an action to enforce these provisions be awarded reasonable attorney's fees and costs. This bill would also make a statement of legislative intent in this regard.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to provide for all of the following:

3 (a) That homeowners throughout the state shall be able to
4 engage in constitutionally protected free speech traditionally
5 associated with private residential property.

6 (b) That owners of a separate interest in a common interest
7 development shall be specifically protected from unreasonable
8 restrictions on this right in the governing documents.

9 (c) That a homeowner who is unlawfully prohibited from
10 exercising these free speech rights shall recover those costs and
11 attorney's fees incurred in enforcing his or her right to do so.

12 SEC. 2. Section 1353.6 is added to the Civil Code, to read:

13 1353.6. (a) ~~Except as required for the protection of public~~
14 ~~health or safety, the~~ The governing documents may not prohibit
15 posting or displaying of noncommercial signs, posters, or banners
16 on or in an owner's separate interest, *except as required for the*
17 *protection of public health or safety or for the enforcement of local,*
18 *state, or federal law.*

19 (b) For purpose of this section, a ~~non-commercial~~
20 *noncommercial* sign, poster, or banner may be made of paper,
21 cardboard, cloth, *plastic* or fabric, but ~~shall~~ *may* not be made of
22 lights, roofing, siding, paving materials, flora, or balloons, or any
23 other similar building, landscaping, or decorative component.

24 (c) ~~Nothing herein shall affect the enforceability of any local~~
25 ~~ordinance or state law.~~

26 (d) ~~In an action to enforce this section, an owner of a separate~~
27 ~~interest who prevails shall be awarded reasonable attorney's fees~~
28 ~~and costs.~~

29 (e)

1 (*d*) The Legislature finds and declares that this section is
2 declaratory of existing law.

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